

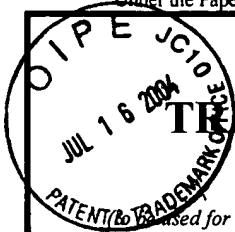
07-19-04

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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# TRANSMITTAL FORM

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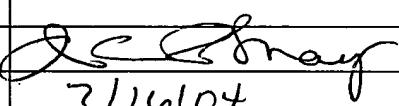
		Application Number	10/659,010
		Filing Date	September 10, 2003
		First Named Inventor	Mark L. MATHIS et al.
		Art Unit	3731
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	29912-703.401

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Itemized return postcard, printed copies of 19 foreign patent references
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD containing references	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	James R. Shay, Reg. No. 32,062, WILSON SONSINI GOODRICH & ROSATI
Signature	
Date	7/16/04

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express mail (Label No. EV334637744US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 16, 2004.

Typed or printed name	Tami O'Bryant		
Signature		Date	July 16, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Mark L. MATHIS et al.	)	Art Unit: 3731
	)	
Application No.: 10/659,010	)	Examiner: Unassigned
	)	
Filed: September 10, 2003	)	Confirmation No.: 3496
	)	
Title: Mitral Valve Therapy Assembly and Method	)	
	)	

Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --

(2) It is being filed within 3 months of entry of a national stage  
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

Copies of each of the references listed on the attached Forms PTO-1449 are enclosed herewith. Due to the voluminous nature of the references, each reference is provided in PDF format on the attached CD ROM, clearly titled by publication number or author.

Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:

In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No. ), copies are not enclosed herewith.

If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).

Attached are the following non-published pending patent applications which may be deemed relevant.

*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.29912-703.401).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 7/16/04

650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 493-9300  
Customer No. 021971

By: James R. Shay  
James R. Shay, Reg. No. 32,062

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<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(Use as many sheets as necessary)</i></p>				<b>Complete if Known</b>			
				<b>Application No.</b>		10/659,010	
				<b>Filing Date</b>		September 10, 2003	
				<b>First Named Inventor</b>		Mark L. Mathis et al.	
				<b>Art Unit</b>		3731	
				<b>Examiner Name</b>		Unassigned	
Sheet	1	of	4	<b>Attorney Docket No.</b>	29912-703.401		

<b>U.S. PATENT DOCUMENTS</b>					
Examiner's Initials	Cite No. <sup>1</sup>	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-2001/0044568-A1	07/19/2001	Langberg et al.	
		US-2001/0049558-A1	12/06/2001	Liddicoat et al.	
		US-2002/0016628-A1	02/07/2002	Langberg et al.	
		US-2002/0035361-A1	03/21/2002	Houser et al.	
		US-2002/0042621-A1	04/11/2002	Liddicoat et al.	
		US-2002/0042651-A1	04/11/2002	Liddicoat et al.	
		US-2002/0049468-A1	04/25/2002	Streeter et al.	
		US-2002/0055774-A1	05/09/2002	Liddicoat	
		US-2002/0065554-A1	05/30/2002	Streeter	
		US-2002/0087173-A1	07/04/2002	Alferness et al.	
		US-2002/0095167-A1	07/18/2002	Liddicoat et al.	
		US-2002/0103532-A1	01/30/2001	Langberg et al.	
		US-2002/0138044-A1	09/26/2002	Streeter et al.	
		US-2002/0169502-A1	11/14/2002	Mathis	
		US-2003/0018358-A1	01/23/2003	Saadat	
		US-2003/0078465-A1	04/24/2003	Pai et al.	
		US-2003/0078654-A1	04/24/2003	Taylor et al.	
		US-2003/0083538-A1	05/01/2003	Adams et al.	
		US-2003/0105520-A1	06/05/2003	Alferness et al.	
		US-2003/0130730-A1	07/10/2003	Cohn et al.	
		US-2003/0130731-A1	07/10/2003	Vidlund et al.	
		US-2003/0135267-A1	07/17/2003	Solem et al.	
		US-2003/0144697-A1	07/31/2003	Mathis et al.	
		US-2003/0171776-A1	09/11/2003	Adams et al.	
		US-2003/0171806-A1	09/11/2003	Mathis et al.	
<b>EXAMINER SIGNATURE</b>			<b>DATE CONSIDERED</b>		

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional) 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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<b>Sheet</b>	<b>2</b>	<b>of</b>	<b>4</b>	<b>Attorney Docket No.</b>	29912-703.401		

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		Number-Kind Code <sup>2</sup> (if known)			
		US-2003/0212453-A1	11/13/2003	Mathis et al.	
		US-2004/0019377-A1	01/29/2004	Taylor et al.	
		US-2004/0039443-A1	02/26/2004	Solem et al.	
		US-4,164,046	08/14/1979	Cooley	
		US-4,485,816	12/04/1984	Krumme	
		US-4,550,870	11/05/1985	Krumme et al.	
		US-4,830,023	05/16/1989	de Toledo et al.	
		US-5,061,277	10/29/1991	Carpentier et al.	
		US-5,250,071	10/05/1993	Palermo	
		US-5,261,916	11/16/1993	Engelson	
		US-5,265,601	11/30/1993	Mehra	
		US-5,514,161	05/07/1996	Limousin	
		US-5,554,177	09/10/1996	Kieval et al.	
		US-5,562,698	10/08/1996	Parker	
		US-5,584,867	12/17/1996	Limousin et al.	
		US-5,601,600	02/11/1997	Ton	
		US-5,733,325	03/31/1998	Robinson et al.	
		US-5,824,071	10/20/1998	Nelson et al.	
		US-5,891,193	04/06/1999	Robinson et al.	
		US-5,895,391	04/20/1999	Farnholtz	
		US-5,908,404	06/01/1999	Elliott	
		US-5,935,161	08/10/1999	Robinson et al.	
		US-5,961,545	10/05/1999	Lentz et al.	
		US-5,984,944	11/16/1999	Forber	
		US-6,077,297	06/20/2000	Robinson et al.	
		US-6,099,549	08/08/2000	Bosma et al.	
EXAMINER SIGNATURE				DATE CONSIDERED	

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		<b>Art Unit</b>	3731
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<b>Sheet</b>	<b>3</b>	<b>of</b>	<b>4</b>
		<b>Attorney Docket No.</b>	
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		Number-Kind Code <sup>2</sup> (if known)			
		US-6,099,552	08/08/2000	Adams	
		US-6,129,755	10/10/2000	Mathis et al.	
		US-6,190,406-B1	02/20/2001	Duerig et al.	
		US-6,342,067-B1	01/29/2002	Mathis et al.	
		US-6,352,553-B1	03/05/2002	van der Burg et al.	
		US-6,352,561-B1	03/05/2002	Leopold et al.	
		US-6,395,017-B1	05/28/2002	Dwyer et al.	
		US-6,419,696-B1	07/16/2002	Ortiz et al.	
		US-6,442,427-B1	08/27/2002	Boute et al.	
		US-6,503,271-B2	01/07/2003	Duerig et al.	
		US-6,537,314-B2	03/25/2003	Langberg et al.	
		US-6,589,208-B2	07/08/2003	Ewers et al.	
		US-6,602,288-B1	08/05/2003	Cosgrove et al.	
		US-6,602,289-B1	08/05/2003	Colvin et al.	
		US-6,623,521-B2	09/23/2003	Steinke et al.	
		US-6,626,899-B2	09/30/2003	Houser et al.	
		US-6,656,221-B1	12/02/2003	Taylor et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)				
		WO 00/44313-A1	08/03/2000	Viacor Inc.		
		WO 01/00111-A1	01/04/2001	J. Solem et al.		
		WO 01/50985-A1	07/19/2001	Viacor, Inc.		
		WO 01/87180-A2	11/22/2001	B. Gaber		
		WO 02/00099-A2	01/03/2002	Viacor, Inc.		

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<b>Sheet</b>	<b>4</b>	<b>of</b>	<b>4</b>	<b>Attorney Docket No.</b>		29912-703.401	

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		Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)				
		WO 02/01999-A2	01/10/2002	Viacor, Inc.		
		WO 02/05888-A1	01/24/2002	Viacor, Inc.		
		WO 02/19951-A1	03/14/2002	Viacor, Inc.		
		WO 02/34118-A2	05/02/2002	Viacor, Inc.		
		WO 02/47539-A2	06/20/2002	Viacor, Inc.		
		WO 02/62263-A2	08/15/2002	Viacor, Inc.		
		WO 02/62270-A1	08/15/2002	J. Solem et al.		
		WO 02/62408-A2	08/15/2002	Viacor, Inc.		
		WO 02/76284-A2	10/03/2002	Viacor, Inc.		
		WO 02/78576-A2	10/10/2002	Viacor, Inc.		
		WO 02/96275-A2	12/05/2002	Viacor, Inc.		
		WO-03/15611-A2	02/27/2003	Viacor, Inc.		
		WO-03/49647-A1	06/19/2003	Reitan		
		WO-03/59198-A2	07/24/2003	Viacor, Inc.		

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